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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,336	02/14/2002	Jeffrey David Calusinski	AUS920011018US1	1984

7590

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EXAMINER

CAO, DIEM K

ART UNIT

PAPER NUMBER

2194

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/076,336	<b>Applicant(s)</b> CALUSINSKI, JEFFREY DAVID	
	<b>Examiner</b> Diem K. Cao	<b>Art Unit</b> 2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

*HC*

*PD*

**DETAILED ACTION**

1. Claims 1-31 are presented for examination.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-5, 7-11 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 9 recite to claim a method and a computer program product for “re-initializing long running objects while simultaneously maintaining the access of reference applications to the object during the re-initialization process”, however, the rest of the claims do not particularly point out how it would achieve the result as claimed, i.e., “identifying all references” would not maintaining the access of reference applications to the object during the re-initialization process.

Claim 18 recites a limitation “placing each identified reference connected to the object program to be re-initialized in a hold state during the re-initialization process”, which is already exists in the independent claim 14.

***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

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Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-8 and 14-21 are rejected under 35 U.S.C. 101 because the language of the claims raise a question as to whether the claims is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

Claims 1-8 and 14-21 do not require use of hardware to accomplish at least one step, thus the claims are not being tangible.

### *Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Evans et al. (U.S. 6,795,967 B1) in view of Ma et al. (U.S. 5,920,725).

7. As to claim 1, Evans teaches registering an object with an object manager (col. 2, lines 46-48, col. 5, lines 27-36), receiving a re-initialization signal to refresh information contained in an object (col. 3, lines 63-64 and change the information about the identity; col. 6, lines 7-15), identifying all references that have access to the object at the time of the re-initialization signal

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(The identity manager ... system 302; col. 7, lines 34-36), performing the object re-initialization (the current identity is changed; col. 4, lines 8-11 and col. 8, lines 21-25).

8. However, Evans does not teach notifying the particular object for which the re-initialization signal was sent, and notifying the object manager at the completion of the re-initialization process. Although Evans does not teach notifying the object manager at the completion of the re-initialization process, Evans teaches the object manager performs the task of refresh the data in the object, therefore, the object manager knows when the re-initialization process completes. Ma teaches notifying the particular object for which the re-initialization signal was sent (col. 8, lines 11-19).

9. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Evans and Ma because it would improve the system of Evans by providing a run-time object updating system updates a distributed object systems.

10. As to claim 2, Evans teaches the object is a long running object (identity; col. 3, lines 38-44 and lines 63-67 and col. 4, lines 56-65).

11. As to claim 3, Evans teaches receiving at the object manager a registration request from an object (col. 5, lines 28-55), obtaining information concerning the re-initialization interval for that object (col. 4, line 51 – col. 5, line 22), and listing that object and the re-initialization information in the object manager (col. 5, lines 1-22 and lines 44-55).

12. As to claim 4, Evans teaches the re-initialization signal could originate from an external source (col. 3, lines 63-67).

13. As to claim 5, Evans teaches identifying object programs that are connected to the particular object program that is to be re-initialized (col. 7, lines 34-36) and determining whether each identified object program needs to be re-initialized (col. 8, lines 23-31).

14. As to claim 6, Evans teaches placing each identifier reference connected to the object program to be re-initialized in a hold state during the re-initialization process (col. 7, line 60 – col. 8, line 4), the hold state providing the capability to maintain the connection of the references to the object program (col. 8, lines 50-57).

15. As to claim 7, Evans does not teach obtaining the current status at the object manager of an object program for which the object manager has control. Ma teaches obtaining the current status at the object manager of an object program for which the object manager has control (col. 7, lines 26-34).

16. As to claim 8, Evans does not teach the current status comprises of processing, waiting, stopping, restarting and running. Ma teaches the current status comprises of processing, stopping and running (col. 7, lines 26-27).

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17. As to computer program product claim 9, it is the same as the method of claim 1 and is rejected under the same ground of rejection.

18. As to claim 10, see rejection of claim 3 above.

19. As to claims 11-13, see rejections of claims 5-7 above.

20. As to claim 14, see rejection of claims 1 and 6 above.

21. As to claim 15, Evans teaches releasing the references programs from the hold state at the completion of the object program re-initialization (col. 8, lines 25-33).

22. As to claim 16, see rejection of claim 3 above.

23. As to claims 17-20, see rejection of claims 5-8 above.

24. As to claim 21, Ma teaches the object manager prevents new reference programs from accessing a registered object when the object manager detects a "wait" status from the object program (col. 10, lines 45-56).

25. As to computer program product claim 22, it is the same as the method claim of claim 14 and is rejected under the same ground of rejection.

26. As to claims 23-27, see rejections of claims 15-19 above.
27. As to claim 28, see rejection of claim 21 above.
28. As to claim 29, see rejections of claims 3, 6, 7, and 21
29. As to claim 30, Evans teaches the object status program further comprises the ability to maintain the access of reference programs to an object during the re-initialization of the object (col. 8, lines 50-57).
30. As to claim 31, see rejection of claim 8 above.

### *Conclusion*

31. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Sashino et al. (U.S. 2001/0032239 A1) teaches an object management system and method for distributed object system.
- Sutherland (U.S. 2003/0028682 A1) teaches system and method for object persistence life-cycle and object caching integration.



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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diem K. Cao whose telephone number is (571) 272-3760. The examiner can normally be reached on Monday - Friday, 5:30AM - 1:00PM and Saturday, 5:30AM - 10:30AM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


**Any response to this action should be mailed to:**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist at 571-272-2100.

Due to the realignment of WG 2120, effective March 20, 2005, AU 2126 will become AU 2194.

Diem Cao



ST. JOHN COURTENAY III  
PRIMARY EXAMINER